## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA ) |  |   |  |
|----------------------------|--|---|--|
|                            | Plaintiff,   | ) 8:10CR367<br>)  |  |
|                            | vs.  | ) DETENTION ORDER   |  |
| CLAUDIO BAUTISTA-MERINO,   |  |   |  |
|                            | Defendant.   | <b>,</b>  |  |
| A.                         | A. Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on October 25, 2010, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).  |   |  |
| B.                         | <ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul> |   |  |
| C.                         | in violation of 18 U.S.C. § ten years imprisonment; number (Count II) in viola maximum sentence of fiv  (b) The offense is a crime of (c) The offense involves a na (d) The offense involves a la wit:   | s Report, and includes the following: e offense charged: suse of identification documents (Count I) f 1546(b) carries a maximum sentence of and the false use of a Social Security ation of 42 U.S.C. § 408(a)(7)(B) carries a e years imprisonment. violence. arcotic drug. arge amount of controlled substances, to   |  |
|                            | may affect wheth  X The defendant h  X The defendant h  X The defendant is  X The defendant is  X The defendant of ties.  Past conduct of the defendant h  The defendant h  The defendant h  | ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at |  |

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| (b) | At the time of the current arrest, the defendant was on: |
|-----|--|
| ` ' | Probation  |
|     | Parole   |
|     | Release pending trial, sentence, appeal or completion of |
|     | sentence.  |
| (c) | Other Factors:   |
|     | X The defendant is an illegal alien and is subject to    |
|     | deportation.   |
|     | The defendant is a legal alien and will be subject to    |
|     | deportation if convicted.                                |
|     | X The Bureau of Immigration and Custom Enforcement       |
|     | (BICE) has placed a detainer with the U.S. Marshal.      |
|     | Other:   |

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 25, 2010. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge